

REMARKS

Claims 24-27, 32, 34, 35 and 37-55 are pending in this application. Claims 27, 39 and 41 are amended in several particulars for purposes of clarity in accordance with current Office policy, to assist the examiner and to expedite compact prosecution of this application. Claims 46 through 55 have been newly added.

I. Objection to the Specification

The Examiner stated that the amendment filed on 04/26/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure, in that the added material which is not supported by the original disclosure is as follows: the changing from "bag" to "backpack" and this would change the specificity of the specification. Applicant is required to cancel the new matter in the reply to this Office Action.

The specification was returned to its form before the 04/26/04 amendment and therefore, there should not be any objection. However, please note that the backpack is supported in the drawings and specification.

II. Claim Rejections - 35 USC § 112

The Examiner stated that Claims 39, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

In claim 39, "said front side" has no antecedent basis according to the Examiner.

Claim 39 was amended accordingly.

The Examiner also stated that the bottom portion and the back wall are defined as separate structures in claim 38 and the recitation with respect to the back wall is folded upon itself is inconsistent.

However, claim 38, which is dependent on claim 35 includes, "a bottom portion attached to a bottom of said back wall and said bottom portion connecting between a bottom of said right wall and said left wall." Therefore, the bottom portion is attached to the bottom of the backwall and connects the bottom of the right and left wall and so does not fold upon itself.

III. Claim Rejections - 35 USC § 102

No claim is anticipated under 35 U.S.C. §102 (b) unless all of the elements are found in exactly the same situation and united in the same way in a single prior art reference. As mentioned in the **MPEP §2131**, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Every element must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (CAFC 1989). The identical invention must be shown in as complete detail as is contained in the patent claim. *Id.*, "All words in a claim must be considered

in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970), and MPEP 2143.03.

1. The Examiner stated that Claims 35, and 37 are rejected under 35 U.S.C. 102(a) as being anticipated by Fournier.

Fournier teaches a back wall 2, left and right wall, a bottom portion attached to a bottom of the back wall 1, a first wall 2 extending from the bottom portion and assisting in holding a sufficient portion of left and right walls together, a plurality of compartments on a front surface of the back wall comprising of netted material, and at least one strap 5 as claimed. The Examiner further stated that the term backpack does not impart any structure over the bag in Fournier. The Examiner further states that Kilduff (3686414) teaches the two straps can be carried on the shoulder as a backpack.

However, by using Kilduff, there cannot be a 35USC§102 rejection. As mentioned in the **MPEP §2131**, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Since there is not a single reference, a 35USC102 would be improper.

Although, here there is only 35USC§102 rejection, since the Examiner fails to show any motivation in combining Kilduff and Fournier, which is necessary and therefore, even a 35USC103 would be improper.

Moreover, claim 35 also mentions a first wall extending from said bottom portion and assisting in holding a sufficient portion of said left and right walls together forming a bottom

compartment. The first wall of Kilduff fails to disclose the first wall extending from the bottom portion and *assisting* in holding a sufficient portion of said left and right walls *together forming a bottom compartment* as arranged in the claim. In Kulduff, the first wall does not assist in holding together the left and right walls together to form a bottom compartment. A compartment is only formed when the entire structure is closed.

In 2131.01 concerning Multiple Reference 35 U.S.C. 102 Rejections, normally, only one reference should be used in making a rejection under 35 U.S.C. 102. However, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to:

- (A) Prove the primary reference contains an "enabled disclosure;"
- (B) Explain the meaning of a term used in the primary reference; or
- (C) Show that a characteristic not disclosed in the reference is inherent.

The Examiner further stated that Kilduff (3686414) teaches the two straps of Fournier can be carried on the shoulder as a backpack. This is not explaining the meaning of the term used in Fournier or to prove that the primary reference is enabled according to portion B and A respectively of 2131.01 of the MPEP. Moreover, such a statement is not showing the characteristic not disclosed in the reference is inherent.

Moreover, it is clear that the Kilduff straps are much longer than the Fournier straps, and thereby necessitating a motivation or suggestion to modify the Fournier straps under a 35USC§103

rather than 35USC§102 as it is not clear that the actual straps of Fournier can accommodate a carrying on the back of the user.

MPEP 2131 refers to MPEP 2112 for a detailed look at inherency, and according to MPEP §2112, “examiner must provide rationale or evidence tending to show inherency” such that “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ ” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). Further the CCPA has added that “inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient.” *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (CCPA 1981).

Here, the Examiner failed to provide a rationale for needing inherency and furthermore, there is not just a use but a structure involved as the claim states as the claims states, “a pair of shoulder straps disposed a predetermined distance from each other along the longitudinal side of the back

surface of said back wall to *accommodate* a carrying of said backpack by the shoulders and the back of a user”. The structure of the pair shoulder straps accommodating a carrying on the shoulders and back of a user is not a feature than be said is inherent. The use of two references in a 35USC§102 rejection would be problematic especially if appealed.

2. Claims 35, 37, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by DeChant (6039474).

The Examiner stated that DeChant teaches a back wall, left and right wall, a bottom portion attached to a bottom of the back wall 1, a first wall 100 extending from the bottom portion and assisting in holding a sufficient portion of left and right walls together, a plurality of compartments on a front surface of the back wall comprising of netted material, and at least one strap 5 as claimed and that Kilduff (3686414) teaches the two straps can be carried on the shoulder as a backpack.

Again, as mentioned above, by using Kilduff, there cannot be a 35USC§102 rejection. As mentioned in the **MPEP §2131**, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Since there is not a single reference, a 35USC102 would be improper.

Furthermore, the Examiner fails to show any motivation in combining Kilduff and Dechant,

which is necessary and therefore, even a 35USC103 would be improper.

In addition, as seen in reference #43 of Dechant, there is only a short strap that would be difficult to accommodate a backpack use. Therefore, the Examiner needed to show a motivation in modifying DeChant with Kilduff. Moreover, the strap #43 which is very short and above an outside protruding compartment is not like the duffle bag straps of Kilduff.

3. Claims 39, 40, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Tong (63334519).

The Examiner stated that Tong teaches a backside member, a bottom member and straps. The Examiner also stated that Kilduff (3686414) teaches the two straps can be carried on the shoulder as a backpack.

Again, as mentioned above, by using Kilduff, there cannot be a 35USC§102 rejection. Since there is not a single reference, a 35USC102 would be improper.

Furthermore, even in a 35USC§103 rejection, which was made in this case, the Examiner fails to show any motivation in combining Kilduff and Tong, which is necessary and therefore, even a 35USC103 is also improper.

Moreover, the present invention includes a zipper while Tong needs multiple zippers as seen in figure 4. A single zipper cannot fully open close the side walls on the left and right side. Therefore, unlike the present invention that can quickly open and close with a single zipper action, two sets of zippers 115 must be used on each side to open fully the bag of Tong. One zipper closes

the left side and the other closes the right side of Tong. As mentioned in col. 2, lines 1-5 *each* fold piece has a zipper 115.

Concerning claim 44, the present invention states that said back member selectively connecting and disconnecting said back member to said curved side members and the front of said bottom member by folding said back member frontally downwards toward the bottom member to fasten and close said backpack and unfastening said backpack to unfold said back member upwards to a hanging position. However, looking at Tong or Kilduff, there is no such connection or disconnection of the back member to the curved side members as claimed. For example, such connection would not be possible with the handbag of Tong.

IV. REJECTION OF CLAIMS (35 U.S.C. § 103)

According to MPEP 706.02(j), the following establishes a *prima facie* case of obviousness under 35 U.S.C. §103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or

to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

1. Claims 24, 25, 26, 27, 32, 41, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tong (6334519) in view of either Fournier or DeChant.

The Examiner states that Tong teaches a hook unit 13, back wall, left and right walls 12, a bottom portion 16 attached to a bottom of the back wall 1, a plurality of compartments on a front surface of the back wall, and at least one strap as claimed.

The Examiner also states that Tong meets all claimed limitations except for the netted compartments and either Fournier or DeChant teaches that it is known in the art to provide netted compartments and that it would have been obvious to one of ordinary skill in the art to provide netted compartments in Tong as taught by Fournier or DeChant to provide venting for the contents. Kilduff (3686414) teaches that the two straps can be carried on the shoulder as a backpack.

However, concerning claim 24, the claim states that a pair of shoulder straps is disposed a predetermined distance from each other *along the longitudinal side of the back surface* of said back

wall to accommodate a carrying of said backpack by the shoulders and the back of a user. However, in Tong the two straps are not along the longitudinal side of the back surface of the backwall but along the lateral side.

Claim 41 states the back wall is folded only downwards towards front portion as supported by the figures and specification of the present invention. The Tong references includes upward motion to close as seen in figure 4 of Tong thereby causing a greater time to close and a difficulty in closing when hanging for instance on a door.

Moreover, as seen in the present invention, the downward fold accommodates the fastening of one end of back wall to the other end when backwall fastened accomodating first and second side walls being fastened to sides of back wall when back wall fastened. However, Tong needs to be separately fastened.

Therefore, Tong in view of Fournier or Dechant do not teach or suggest said back wall being folded by the top portion of said back wall being folded only frontally downwards towards the front portion of said bottom panel accomodating the fastening of one end of said back wall to the other end when said back wall is folded, and accomodating said first and second side walls extending from the bottom portion of said back wall being fastened to the sides of the top portion of said back wall when said back wall is folded because Fournier requires an upward motion, as seen on figure 3 of Fournier, Dechant is a side motion with respect to the carrying of the bag of strap 43, and Tong needs a side to side with respect to carrying the bag on the back through the backstraps as the back

straps are placed longitudinally along the back of the backwall. Therefore, the combination of references are much more difficult to open and close from when they are carried on the back to when they are opened than how the present invention which can quickly open quickly and closed quickly and then taken off and on the back of the user and with some semblance of comfort.

The amended language in claim 41, “with the downward direction being parallel with the longitudinal direction of said shoulder straps along the longitudinal side of the back surface of said back wall, and with a zipper fastening and closing said backwall with said bottom panel not being at the back surface of said backwall having said shoulder straps” is supported by the disclosure of the present invention, as seen for example in figures of the present invention. Moreover, unlike the Tong and DeChant references, the present invention does not have the zippers bulging into the back of the user which may cause a difficulty in carrying the bag.

In addition claim 41 is dependent on claim 27 which states that the portion of the backwall that is folded and has the shoulder straps is substantially flat accommodating a backpack and not a cylindrically shaped duffle bags of Dechant, Fournier or Tong that have a curved portion that is difficult to carry on one’s back as a backpack.

Regarding claim 45, the Examiner stated that a physical measurement in Fig. 4 indicates that the length of wall 12 is slightly longer than the width of the back wall.

However, it is improper for the Examiner to use the drawing for physical measurements.

Specifically in the **MPEP §2125** under the heading “DRAWINGS AS PRIOR ART” and under the subheading “PROPORTIONS OF FEATURES IN A DRAWING ARE NOT EVIDENCE OF ACTUAL PROPORTIONS WHEN DRAWINGS ARE NOT TO SCALE”, the MPEP states that “When the reference does not disclose that the drawings are to scale and is silent as to dimensions, **arguments based on measurement of the drawing features are of little value.**” Therefore, here using the drawings would be improper.

Furthermore, according to the Examiner it would have been obvious to one of ordinary skill in the art to provide a length of the first and second sidewall being greater than the width of the back wall to provide the desired dimension for the bag. Here, the examiner is improperly using his own knowledge to circumvent the 35USC§103 analysis. According to MPEP §2144.03 relating to “Reliance on Common Knowledge in the Art or ‘Well Known’ Prior Art” such reliance is not judiciously applied. Only in certain circumstances this can be done. The Examiner’s use of his knowledge does not meet the standards set in MPEP §2144.03 and therefore should not be used to such an extent. Furthermore, it is the right of the Applicant to demand authority be shown for all the reliance of what the Examiner calls as common knowledge. Therefore, since the references provided in this rejection fail to teach or suggest such, another reference must be provided.

2. Claims 24-27, 32, 35, 37, and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin et al. (5575362) in view of Wulf et al. (5749503), and further in

view of Bomes et al. (5054589).

The Examiner stated that Franklin teaches a luggage having a foldable back wall with mesh compartments as shown in Fig. 14, and hook 152 that can be attached to an external object, and a front portion as shown in Fig. 14. Franklin meets all claimed limitations except for the straps. The Examiner further states that Wulf teaches that it is known in the art to provide back straps and it would have been obvious to one of ordinary skill in the art to provide back straps in Franklin as taught by Wulf to handle the luggage easily.

The Examiner further states that Bomes teaches that it is known in the art to provide mesh compartments 60 and that it would have been obvious to one of ordinary skill in the art to provide mesh compartments in Franklin as taught by Bomes to provide the desired venting.

Concerning claims 24, it is seen that the pair of shoulder straps are along the longitudinal side of the backwall, however, as seen in Wulf in figures 3 and 4, the straps are from a backside of a backwall to the side wall. The backstraps or shoulder straps are never on a single wall.

Moreover, reference 152 is not a hook but a hooked flange not for hanging back wall to object. As mentioned in Col 12 line 53-67 slot 150 hooked flange col 13 line 1-5 securely but releaseably engaged to slot 150 on grip 60. The hooked flange is engaged to the slot when the handle fully extended for locking in handle with tripod so that it does not fall down. As seen in the figures 15 and 13, if that flange use to hang to an object other than the bag's handle itself, then there would be a problem with handle bar as the extensions would be in the way and flange is only usable if there

is a similar socket for the flange in the object. The Examiner states that any kind of hook structure make it obvious, however, as mentioned in MPEP §706.02(j) there must be a reasonable expectation of success and it is not clear that such a flange would have reasonable expectation of success.

Moreover, in claim 35, it states, “said compartments disposed from a top portion of the front surface of said back wall to a bottom portion of said back wall”. Clearly as seen in figure 14 of Franklin, the compartments are not disposed *from a top portion to the bottom portion*. The examiner points to two portions at the top area, but, first, there is no teaching or suggestion that these are actually compartments or some other structure. Moreover, reference 94 is the back, 118 is the front flap and 116 is the top panel only. Therefore, there are no compartments from the top to bottom portion of the backwall. In addition Wulf or Bomes also do not show such a feature.

3. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over either the Fournier or Tong rejection in paragraph 6, in view of Davis et al. (2626689).

The Examiner stated that Davis teaches that it is known in the art to provide strap 52. It would have been obvious to one of ordinary skill in the art to provide straps in either Fournier or Tong as taught by Davis to provide a place for hanging garments.

Respectfully, the Examiner must still provide a proper motivation to combine Davis with Fournier or Tong according to MPEP §706.02(j) and therefore, the rejection is defective.

4. Added claims not obvious or anticipated

Moreover, none of the added claims are either anticipated under 35USC§102 using any of the references mentioned above or any combination of the references under 35USC§103 because all of the features as claimed are not disclosed under 35USC§102 or taught or suggested under 35USC§103. The new claims are supported by the specification, drawings and original claims. For example in claim 46, the backpack is made of a flexible material as disclosed for example in paragraph 36 of the specification. The combination of Franklin and Wulf for example exhibits rigid side walls and bottom portion of the back with a rigid handle construction on the back. Moreover, as seen in claim 46, the back portion of the backwall having the straps has *only* the back straps, thereby accommodating a comfortable use the backpack for a longer duration, while in Wulf and Franklin there have rigid extension handles that would make carrying the bag on a person's back for extended duration more difficult.

V. Commercial Success

With respect to the inventor's declaration that the invention entails commercial success, the Examiner stated that it is noted that there is no comparison between the invention with the applied reference to compare to. Furthermore, the Examiner stated that it is noted that the inventor's declaration that the invention entails commercial success is not sufficient to overcome a rejection under 35USC102.

As shown below, to show commercial success, a nexus between the success of the claimed

invention . In order for a nexus to be shown, certain factors have been enumerated by the courts . which is satisfied by the affidavits to commercial success.

The courts have mentioned that one does not have to prove that other factors were the reason. There is too much burden as the court cites.

However, increased marketshare is said to be proper evidence and the continued increase of commercial success over time. As seen in the affidavit, market share has increased.

The courts as shown below have also cited the commercial success through interest generated through licensing agreements.

Also as mentioned in the Pro mold case, the patent owner's lack of previous experience in the relevant work and combined with high sales gives the inference of a nexus alone. Here, the sales have increased and also the present inventor is not experienced in the relevant work.

Moreover, it was shown by the courts that industry recognition or award probative of non-obviousness connected between award and claimed subject matter is probative of commercial success. The Award by the United Inventor's association sponsored by Proctor and Gamble cites the presently claimed invention and also some of the features in their comments. Dr. Forrest Bird, one of the judges and the National Inventors Hall of Fame inductee and inventor of the respirator stated that its usefulness could potentially extend into the medical industry as "This product is perfect to neatly pack different sized equipment and be able to access it quickly." Therefore, even the experts believe that the present invention deserves recognition.

The Richmond Times-Dispatch in an article also stated that about 150 stores nationwide

including A&N stores and Reliance Marine carry the present backpack under the trademarked name Gearmax.

In the Innovations-Fitness section, cites the claimed invention through the photograph of the claimed invention citing all its different features including the point that the system makes it fast to find what you need while wet items dry in the mesh pockets when stored and the backpack design allows your hands to be free.

The presently claimed invention was also featured as a success story in the Inventor's digest in November/December 2003 with a picture of the claimed invention showing that it is the claimed invention that is being cited. The article stated that the pack which looks like a backpack when its closed but when unzipped becomes a "virtual" locker and ventilation system.

The In re Huang case cited below, also stated that affidavits from purchaser explaining that product was purchased due to claimed features is also probative in a finding of commercial success.

As mentioned in the current MPEP version 8 (revision 2, May 2004) and as described in the analysis below, by *Patent Prosecution* by Irah H. Donner, BNA books, second edition 1999, pages 561-568, an applicant may also use affidavit evidence to present commercial success or unexpected benefits of the claimed invention.

As indicated by the court, evidence of secondary considerations, when it exists, is always to

be considered, and not merely when the Examiner remains in doubt after reviewing the prior art. *Cable Elec. Prods., Inc. v. Genmark, Inc.*, 770 F.2d 1015, 226 USPQ 881, 887 (Fed. Cir. 1985). Therefore, the Examiner must look at in all instances of 35USC§103 rejection and not only if its in doubt.

The Federal Circuit has summarized these requirements for presenting commercial success as follows:

When a patentee asserts that commercial success supports its contention of nonobviousness, there must of course be a sufficient relationship between the commercial success and the patented invention. The term "nexus" is often used, in this context, to designate a legally and factually sufficient connection between the proven success and the patented invention, such that the objective evidence should be considered in the determination of nonobviousness. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 7 USPQ 2d 1222 (Fed. Cir. 1988).

"However, a patentee need not show that all possible embodiments within the claims were successfully commercialized in order to rely on the success in the marketplace of the embodiment that was commercialized." *Applied Materials, Inc. v. Advanced Semiconductor Materials Am. Inc.*, 98 F.3d 1563, 40 USPQ 2d 1481, 1486 (Fed. Cir. 1996), petition for cert. denied, 117 S. Ct. 1822

(1997).

For example, in *Ex parte Anderson*, November 22, 2004 *Ex parte Anderson*, 21 USPQ 2d 1241 (B.P.A.I. 1991), the patentee in a reexamination proceeding presented affidavit evidence stating that a product embodying the claimed invention was commercially successful. The Board initially stated that ““commercial success is relevant only if it flows from the merits of the claimed invention,” *Id.* at 1258 (quoting *Sjolund v. Musland*, 847 F.2d 1573, 1582, 6 USPQ 2d 2020, 2028 (Fed. Cir. 1988)) In addition, the Board stated that “merely specifying sales figures alone is not sufficient to establish commercial success. Other evidence such as market share, growth in market share, replacement of earlier products sold by others, etc. need be present.” (citing *Kansas Jack, Inc. v. Kuhn*, 719 F.2d 1144, 1151, 219 USPQ 857, 861 (Fed. Cir. 1983))..

The Board has consistently required this type of evidence in an affidavit for commercial success. *Ex parte GPAC Inc.*, 29 USPQ 2d 1401, 1407-08 (B.P.A.I. 1993), *aff’d*, 57 F.3d 1573, 35 USPQ 2d 1116 (Fed. Cir. 1995)

In *re Metz*, *In re Metz*, Civ. App. 97-1263 (Fed. Cir. Sept. 22, 1998) (unpublished), also emphasizes that there must be some connection between the commercial sales and the features of the invention being claimed. The applicant argued that the invention was nonobvious in view of the widely successful commercial sales. However, the Federal Circuit was not persuaded that the commercial success was a result of the claimed invention. According to the Federal Circuit:

The sales figures appellant provided are essentially meaningless because they do not indicate the size of the market or the market share achieved. They merely demonstrate that Metz sold products and that the volume of those sales increased with time. This could be the result of a wide variety of factors which do not pertain to the merits of the claimed subject matter. Again, there must be some connection between the sales figures and claimed subject matter indicating what impact the claimed subject matter had on the sales volume. The purpose of secondary considerations is to elucidate the connection between the claimed subject matter and some element which alerts the reviewing party that the claimed subject matter may not have been obvious. Without a demonstrable connection, this point is lost. *Id.*, slip op. at 11-12.

Similarly, in *In re GPAC Inc.*, *In re GPAC Inc.*, 57 F.3d 1573, 35 USPQ 2d 1116, 1120 (Fed. Cir. 1995), the claimed invention, which related to a method for controlling airborne asbestos contamination during the course of asbestos removal from an existing building, was rejected as being obvious in view of 13 prior art references. The reexamination applicant, GPAC, argued that the invention was commercially successful because of extensive licenses in the industry. The Board refused to find such licenses persuasive as evidence of nonobviousness. According to the Board, GPAC had not shown that the claimed invention was responsible for the licenses.

Therefore, the licences should include the claims to which they are referring to.

InPro-Mold & Toll Co. v. Great Lakes Plastics, Inc., *Pro-Mold & Toll Co. v. Great Lakes*

Plastics, Inc., 75 F.3d 1568, 37 USPQ 2d 1626 (Fed. Cir. 1996)., the Federal Circuit indicated that a patent owner's lack of previous experience in the relevant market combined with its high sales of the patented product provide an inference of a nexus between its commercial success and the patented invention, and are thus probative evidence of nonobviousness.

The Federal Circuit also emphasized that Pro-Mold's lack of previous experience in the relevant market combined with its high sales of the patented product provided an inference of a nexus between its commercial success and the patented invention and were thus probative evidence of nonobviousness. According to the Federal Circuit, Pro-Mold's "lack of market power in this field would seem to suggest that it was the features of the patented invention that led to the commercial success."

Thus, Pro-Mold, according to Irah Donner in Patent Prosecution, teaches that a patent owner's lack of previous experience in selling the invention together with its high sales of the patented invention may provide an inference of the required nexus between its commercial success and the patented invention. Similarly, the prominence of the patented technology in the infringer's advertising has also been held by the Federal Circuit to create an inference that links the claimed invention to its commercial success to show nonobviousness. *Lundia AB v. Baxter Health Care Corp.*, 110 F.3d 1573, 42 USPQ 2d 1378, 1384 (Fed. Cir. 1997).

Industry recognition or award may also be probative of nonobviousness according to *Patent Prosecution*. However, there must be some connection between the award and the features of the invention being claimed.

In *In re Huang*, 100 F.3d 135, 40 USPQ 2d 1685 (Fed. Cir. 1996), the Federal Circuit confirmed the nexus requirement during ex parte prosecution when The Federal Circuit stated: Although Huang's affidavit certainly indicates that many units have been sold, it provides no indication of whether this represents a substantial quantity in this market.

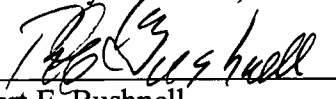
Therefore, again the importance of showing market share and the increase of the market share with regard to proving nexus is shown in *In re Huang* and other cases shown above according to Irah Donner's *Patent prosecution*, pages 561-568.

Therefore, according all the courts, the present invention has not only provided one criteria of a nexus of commercial success, but a plurality of them.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

A fee of \$55 is incurred by this Amendment for a one (1) month extension of time. Applicant's check drawn to the order of the Commissioner accompanies this Amendment. Should the check become lost or detached from the file, the Commissioner is authorized to charge Deposit Account No. 02-4943 and advise the undersigned attorney accordingly. Also, should the enclosed check be deemed to be deficient or excessive in payment, the Commissioner is authorized to charge or credit our deposit account and notify the undersigned attorney of any such transaction.

Respectfully submitted,


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AMENDMENTS TO THE SPECIFICATION

IN THE SPECIFICATION

Please enter the following amendments to the specification, and the Substitute Specification (and Abstract) attached herewith. No new matter has been introduced.

TITLE OF THE INVENTION

PORTABLE LOCKER BACKPACK

CLAIM OF PRIORITY

[0001] This application makes reference to, incorporates the same herein, and claims all benefits accruing under 35 U.S.C. §119 from a provisional application entitled *Sports Equipment Bag-Organizer and Ventilator* earlier filed under 35 U.S.C. §111(b) in the United States Patent and Trademark Office on 14 December 2000 and there duly assigned Serial No. 60/255,060, and a disclosure document entitled *Sports Equipment Organizer with Locking Device* on 22 March 2001 and there duly assigned Disclosure Document No. 490860.

BACKGROUND OF THE INVENTION

Field of the Invention

[0002] The present invention relates to a sports equipment bag backpack, and more particularly, to a bag portable locker backpack (backpack) for organizing sports equipment and related articles while providing ventilation for the sports equipment and the related articles.

Description of the Background Art

[0003] In athletic activities such as hockey, baseball, football, or inline skating, a person may have to carry uniforms, a face mask, helmets, knee pads, and other assorted sports equipment. The assorted equipment has usually been just placed in a bag backpack where it has been difficult to take out the sometimes heavy and cumbersome equipment and also to perform a visual inventory of the bag backpack. Another problem with the earlier sports equipment bags backpacks was that the equipment and clothing articles related to the sports accumulated perspiration. The bag backpack would cause an increased odor because of the lack of proper ventilation. The damp garment, sports, and athletic equipment, boots and shoes were dried out on purchased racks or spread around on the floor or on furniture. Garments and sports equipment that retain water will mold, mildew, and develop unpleasant odors without adequate air circulation. Equipment in a bag backpack should be dried out, so there is an aggravation of removing equipment from the bag backpack to dry the equipment because if the equipment is left in the bag backpack, there can be damage to equipment if the equipment cannot fully dry. It is a cumbersome process of taking the equipment out of the bag backpack. Unloading the conventional sports bag backpack and placing the items around an area to allow for air-drying is time consuming, visually unpleasant, and consumes space. This procedure

also increases the chance of misplacing an item and leaving it behind. Conventionally vented bags backpacks offer limited benefit due to the density of equipment obstructing air penetration inside the bag backpack.

[0004] A travel and sports organizer bag backpack, equipped with a method of air circulation is needed to effectively air dry articles without complex and expensive structures as well as being an organization and space saving tool that allows for quick and easy use.

SUMMARY OF THE INVENTION

[0005] It is therefore an object to have a bag backpack that can effectively air dry articles without complex and expensive structures as well as being an organization and space saving tool.

[0006] It is another object to have a bag backpack that can have the contents viewed quickly for use.

[0007] It is yet another object to have a bag that can be locked quickly to a locker without extensive extra parts.

[0008] It is still yet another object to have a bag backpack that can ventilate while being in a closed position.

[0009] It is yet another object to have a bag backpack that can ventilate while being in an open or folded position.

[0010] It is another object to have a bag backpack that can be easily hung up to allow a flat view of the contents.

[0011] It is yet another object to save time by being able to hang up all contents of a bag backpack at the same time.

[0012] It is still another object to have a bag backpack that can organize objects in a bag backpack in a systematic manner.

[0013] It is another object to have objects organized in a single plane.

[0014] To accomplish the above and other objectives, the present invention provides a bag backpack including a back wall having a hook accommodating the hanging of the bag backpack when opened, a plurality of compartments on a front surface of the back wall, the plurality of compartments having a front portion being of a mesh or netted material accommodating a view of the objects and a circulation of air within the compartments. The compartments can have shelves projecting from the back wall to accommodate the objects. The wall can be folded or rolled to close the back wall into the bag backpack for carrying by the handles through hands or by shoulder straps on a back of a user. The bag may include a locking bar or another object designed to prevent removal of the bag(connection accommodating the bag to lock) on a zipper enclosing the bag that can be used to secure the bag to a locker.

BRIEF DESCRIPTION OF THE DRAWINGS

[0015] A more complete appreciation of this invention, and many of the attendant advantages thereof, will be readily apparent as the same becomes better understood by reference to the following detailed description when considered in conjunction with the accompanying drawings in which like

reference symbols indicate the same or similar components, wherein:

[0016] Fig. 1 is a perspective view of the object holder of a bag in an opened flat position;

[0017] Fig. 2 is a view of a bag having the object holder of Fig. 1 folded up and having handles for hand carrying;

[0018] Fig. 3 is a view of a bag backpack having straps ~~back strap~~ attached to the object holder of Fig. 1 folded to provide a backpack;

[0019] Fig. 4 is view of another embodiment having the object holder of Fig. 1 connected to the inside portion of a container portion of the bag;

[0020] Fig. 5 is a plan view of an object holder of another embodiment in an opened position;

[0021] Fig. 6 is a plan view of the object holder of Fig. 5 in a closed position and secured to a locker;

[0022] Fig. 7 is a perspective view of a backpack having the object holder in a closed position;

[0023] Fig. 8 is another embodiment of a backpack in an open position;

[0024] Fig. 9 is another embodiment of a handbag in an open position;

[0025] Fig. 10 is a backpack in a closed position;

[0026] Fig. 11 is a strap of the backpack of Fig. 8;

[0027] Fig. 12 is a plan view of the bag of Fig. 5 in an open position;

[0028] Fig. 13 is another embodiment of the opening of the bag backpack of Fig. 5;

[0029] Fig. 14 is a view of a loop in the bag backpack of Fig. 5;

[0030] Fig. 15 is a plan view of the backpack of Fig. 8 having wheels;

- [0031] Fig. 16 is a view of the bag of Fig. 9 in the closed position with loops for attaching a hanging hook for secure closing;
- [0032] Fig. 17 is view of the backpack of Fig. 10 having a mesh sidewall;
- [0033] Fig. 18 is a view of a bag folded in reverse;
- [0034] Fig. 19 is a view of a ~~bag~~ backpack accommodating longer items; and
- [0034.1] Fig. 20 is a back view of the backpack of Fig. 8 ~~of a backpack accommodating backstraps~~.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0035] Turning now to the drawings, as seen in Fig. 1, an object holder 10 can be hung by a hook 12 on to a locker or other stationary area so that the equipment and other articles can be easily seen and used. The object holder 10 can be a bag itself or an insert within another bag. The object holder 10 does not necessarily have to hang vertically or hang at all. The object holder 10 can also be positioned on top of a bench or on a floor horizontally to allow for access to the equipment or any other position where the equipment or objects held by the object holder 10 can be viewed. Objects such as sports equipment, clothing, shoes, boots, ice skates, ski boots, and other objects can be placed in the different compartments of the object holder 10.

[0036] The object holder 10 can be made of canvas, vinyl such as PVC (polyvinyl chloride), plastic, other types of polyester or fabric material that allows for folding or rolling up for storage. The object holder 10 can be made of flexible material.

[0037] The compartments, or chambers are built into the object holder 10 to accommodate objects to be organized and dried. The chambers or compartments can be expanded to accommodate the articles. One or more zippers 22 or a hook 12 and loop 120, releasable fasteners 34 or velcro along the top of the bag function to close the bag and allow access into the bag chambers to facilitate the introduction of articles into the bag chamber and removal of the articles from the bag. In Fig. 1 for example, a mouth piece 18 is placed in the upper left compartment 20, while the upper right compartment 26 can hold articles such as a puck 24. Both the upper left 20 and upper right 26 compartments can be closed by using zippers 22. Other types of devices other than zippers 22 may be used to close the top compartments. Since the articles are small, the zippers or other similar fasteners help to close the upper left and right compartments 20 and 26.

[0038] A third compartment 30 below the upper compartments 22 and 26 may have equipment such as hockey gloves 32. The third compartment 30 may have fasteners 34 allowing for quick access to the hockey gloves 32. A clasp or other fastener 34 can be sufficient for holding the items because when folded, the pressure of the items will hold the items in place. Elastic bands may be used with the snap fasteners 34 to allow for the pocket to be stretched out while placing equipment inside. A portion or all of top border 36 can be of an elastic or resilient material. Velcro may also be used in place of the snap fasteners 34. The top border area 36 which is open for access to the gloves 32 when the fastener 34 is open. However, when the fastener 34 is closed, the top border area 36 is pulled closer to the back portion or wall 16, thereby preventing articles such as the gloves 32 from releasing from the third compartment 30. The bag can be without fastener 34 because once the

bag is closed, the pressure of the equipment or gear against each other can prevent articles from falling out.

[0039] A fourth compartment 38 disposed below the third compartment 30 is made similar to the third compartment 30. A mesh (netted) material 14 is stitched or connected in some other manner to the border material 40. The border material 40 can be stitched or through another method connected with the back wall 16 of the object holder 10 made of material such as canvas. The upper border material 42 is not connected to the back wall 16, thus allowing access to equipment within the compartment. The compartments can be varied in terms of the size, quantity and location within the bag depending on the sport or activity.

[0040] The mesh (netted) material 14 allows for a person to easily locate an equipment item and the mesh also provides for ventilation of the articles. The partially see-through material allows for a fast inventory to confirm that all gear needed is packed. The object holder 10 may either be hung up for ventilation or positioned at any angles such as horizontal to the ground such as on a bench or ground. The object holder 10 just needs to be in the open position as shown in Fig. 1, allowing for exposure of the equipment through the mesh material 14. Materials other than mesh 14 can be used in the alternative such as any other material that allows for ventilation and visibility of equipment stored within the compartment. The mesh material allows the air to be exhausted from the compartments through the air vents.

[0041] A fifth compartment 44 below the fourth compartment can have a plurality of sub-compartments that can hold various smaller equipment. The fifth compartment holds smaller items

and materials relatively flat and allows the bag to fold over. A sixth compartment 46 below the fifth compartment 44 can be substantially V-shaped or U-shaped having for example a flat portion 48 truncating the vertex of the V-shaped fifth compartment 46. The V-shaped compartment 46 or pocket provides for a helmet 50 or other large object such as a soccer ball that can fit for example between the skates 52 or boots. The V-shape accommodates an efficient use of space and allows for the object holder 10 to sit evenly for easier storage. The helmet 50 sits snugly between the pair of skates allowing not only efficient and easy access, but also better ventilation. Multiple equipment items are not on top of each other to prevent the efficient drying of wet equipment. The middle section such as the fifth compartment 44 needs to be smaller so that it holds smaller items accommodating an easier closing of the bag. The middle section 44 can also be flat to accommodate an easier closing of the bag.

[0042] In the seventh compartment 54, the in-line skates 60 or some other pair of boots, are positioned on each end with a top portion 58 of the compartment and the side portions 56 of the compartment 54 being closed. The side portions 56 are not made of a mesh material but of a solid see-through material or a solid material that is not see-through so that when the skates for instance are placed in the seventh compartment 54, the wheels or blades will not wear out the mesh material prematurely. The open area 62 allows for a better ventilation of the boots, since the opening portion of the boots is in an open area 62 allowing for free air flow without even the mesh (netted) surface.

[0043] A horizontal fastener 64 is situated between the left and right side 54a and 54b of the seventh compartment 54. The horizontal fastener 64 as opposed to the vertically disposed fasteners

34 on the other compartments, allow for an efficient access to the boots or inline skates 60. When unattached, the fasteners 64 allow for the top 58 and side portions 56 of the left and right 54a and 54b of the seventh compartment 54 to open fully to allow for access to the large boots or skates. Other types of equipment may be organized within the compartments or pockets. Other type of fasteners may also be used.

[0044] Referring to Fig. 2, the object holder 10 in one embodiment can be folded up or rolled up to form a bag 110 allowing for the object holder 10 to be carried. The rolling or folding also keeps the equipment inside relatively stationary within the bag 110 when the bag 110 is closed. The jiggling of large or small equipment can otherwise cause damage to the equipment and create noise when transporting. The hook 12 or other similar fastening device is detachably connected to a sleeve or loop 120 formed on the back side 140 of the back wall 16 of the object holder 10. Using the hook 12 to fasten together the bag 110 helps to avoid adding other components to the bag 110, thereby reducing the cost of manufacture. Other types of fasteners can also be used. The adjustable hooking mechanism 142 including the hook 12 and the adjustment portion 144 attached at the top of the object holder 10 allows a user to hang the bag 110 up to access the objects stored in the bag 110 and allow for air flow into the objects. The adjustable hooking mechanism 142 by adjusting the length of the adjustable strap 146 through the adjustment portion 144, also allows the bag 110 to still ventilate while the bag is in a closed position when the hooking mechanism 142 is connected to the sleeve 120. Although the ventilation in the closed position is much less than when the bag 110 is in the open position. The adjustable strap can provide some air flow into the bag 110 if it is loosened

slightly. Even when tightly fastened, some air flow is still allowed through the unattached sides 148 of the object holder 10. Air flow is also allowed through the open sides 150 of the bag 110. When the bag 110 is folded, on the left and right sides have open sides 150 to allow for air ventilation. The mesh material 14 of the compartments are also exposed on the open sides 150 to ventilate the bag. Since, the bag has open sides 150 on both sides of the bag, this allows for a cross ventilating airflow that makes the drying more efficient. The bag 110 in an opened position such as when the bag 110 is hung or laid flat on a bench is the most efficient method of ventilating and drying the objects held by the bag. However, the structure of the bag also allows for a certain amount of ventilation while the bag is in a closed position such as when the hook 12 is secured to the sleeve 120. The object holder 10 can be laid in any space available such as the back seat or in the trunk of a vehicle while transporting the bag 110. For instance, sports teams may lay the bag 110 on the grass outside for drying. The equipment stays together and is easily returned to the original position for moving to another location. Since the hook 12 is attached to the adjustable strap 146 allowing the bag 110 to be adjusted to rest on the floor for instance, thereby taking the weight off the bag 110 and support.

[0045] To allow for an efficient way to transport the bag 110, a handle 130 is attached to the back side 140 of the top portion 160 and another handle 130 is attached to the bottom portion 170 of the object holder 10. The handles 130 can for example be attached to the left 130a and right side 130b to the object holder 10 to allow for a user to grasp with a hand both handles 130 so that the bag 110 can be transported. Referring to Fig. 18, the bag can be folded in reverse with the compartments on the outside allowing for ventilation.

[0046] The top portion 160 can for example overlap the bottom side 170 of the object holder 10 in order to fasten the bag together. The opposite arrangement can also be true where the bottom portion 170 overlaps the top portion 160. In another arrangement, neither the top portion 160 or the bottom portion 170 overlaps each other. Other types of securing mechanisms can be used to close the bag 110 such as a zipper or other types of fasteners. The bag 110 can also have a shoulder strap 162.

[0047] In another embodiment of the present invention, as seen in Fig. 3, the object holder 10 can be folded to form backpack or bag 210 allowing a user to have one or both handles 220 supported by the shoulders of a user. For example, the top portion 160 can be folded to meet with the bottom portion 170 of the object holder 10 to connect the two sides using the adjustment strap 146. The backpack 210 can be connected in the same way as in seen by the bag 110 or in some other similar fashion allowing for the adjustment connection between the top portion 160 and bottom portion, or no adjustment, but just a connection between the two portions of the object holder 10. The pair of handles 220 can for example be placed on one side of the object holder on opposite ends of the back side 140 of the object holder. The position of the handles ~~backpack straps~~ are such that a user can carry the backpack 210 on both shoulders at the same time if needed. The top portion 220a of the handle 220 is coupled on the top portion of the backpack 210 and the bottom portion 220b of the handle 220 is positioned below the top portion 220a of the handle 220. Other configurations of the handles 220 can be made as long as a user may carry the bag ~~backpack~~ 210 on both shoulders at the same time. A V-shaped compartment such as the sixth compartment 46 is not preferable in a the

backpack 210 when the backpack 210 is typically more narrow in shape.

[0048] In another embodiment of the present invention, as seen in Fig. 4, the object holder 10 has a bottom portion 170 connected to an internal section 314 of a container portion 330 to form a bag 310. The container portion 330 can be for example be rectangular in shape with a top portion 340 cut out into a flap 320 that can close the compartment 350 within the container portion 330. The flap 320 for example may close the container portion 330 by a zipper for example or other similar device. When the flap portion 320 is unattached from the container portion 330, the object holder 10 can be raised out of the container portion 330 allowing the object holder 10 to be hung by the hook 12 or laid flat on a surface. The container portion 330 allows for a convenient storage or hanging of the object holder 10. The container portion 330 also provides for further storage of items. The container portion can be have a rectangular shape or any other type of shape depending on the use and size of the objects.

[0049] In another embodiment of the present invention, as seen in Fig. 5, the object holder 420 can have a portion such as the bottom portion 470 have shelves that project out of the back wall 440. The object holder 420 when opened can be hooked to locker hook 414 for example or any other location that can support a hook 412. A first compartment 424 can be closed with a zipper 426 to hold a variety of objects. A mirror 428 just below the first compartment 424 is added for uses such as applying make-up, tying a man's tie, or other uses where a mirror is appropriate. Below the mirror 428 is a second compartment 448 holding objects in a vertical position with respect to the vertically hung bag 410. Objects such as toiletries such as shampoo and conditioner may be inserted

into the second compartment 448 through an opening in the upper portion 448a. The compartment may or may not be of a mesh (netted) or see-through material allowing for a quick view of the internal objects and also allow for ventilation of the objects.

[0050] A first shelf 442 projects out of the back wall 440. The first shelf 442 has side walls 444 and 446 that accommodates the closing of the object holder 420 to form a bag 410. The side walls 444 and 446 and shelf 442 accommodates the width of the objects in the second compartment 448. The second compartment 448 is located above the first shelf 442 towards the middle portion 464 of the object holder 420. The first shelf 442 is set back a predetermined distance L_1 to allow the top portion of the object holder to close the object holder to form a bag 410. The set back of L_1 provides an even surface of the bag 410 when the bag 410 is closed for transporting as seen in Fig. 6.

[0051] The left and right side walls 444 and 446 extend from the middle portion 464 to the end of the bottom portion 470 of the object holder 420. The side walls 444 and 446 accommodate a third compartment 450 and a fourth compartment 456. The third compartment is bordered by the back wall 440 on a back side, the first shelf 442 being a top side, the left and right side walls 444 and 446, and the second shelf 454 as the bottom portion of the third compartment 450. A mesh (netted) strip 452 is connected from a portion of the left side wall 444 to a portion of the right side wall 446. The mesh strip 452 is also connected to a second shelf 454. The mesh strip 452 covers only a portion of the opening of the third compartment 450. The third compartment 450 accommodates a horizontal loading of objects when the object holder 420 is hanging open vertically. The mesh strip 452 contains the objects within the third compartment 450 so that the objects will not fall out of the

object holder 420 when the object holder 420 is hung. Since the mesh strip 452 encloses only a portion of the opening of the third compartment 450, there is easy and quick access for a user to insert various objects within the compartment. The mesh strip 452 because of the mesh material accommodates a user to be able to view the contents in their entirety while still allowing for an increased ventilation of the objects within the third compartment 450. The third shelf 454 is set back in the compartment from the outer edge of the side walls 444 and 446 a predetermined distance similar to the set back of the first shelf. The set back distances can be varied also if needed.

[0052] The fourth compartment 456 located below the third compartment is constructed in the same manner as the third compartment. The opening of the fourth compartment 456 is partially enclosed by the mesh (netted) strip 458 while the bottom shelf 472 serves as the bottom portion of the fourth compartment and also an end portion of the object holder 420. The third shelf 472 is not set back from the outer edges 444b and 446b of the side walls 444 and 446, respectively like the first and second shelf 442 and 454. However, the mesh strip 458 is set back from the outer edges 444b and 446b to accommodate the closing the bag 410 with the top portion 460 of the object holder 420 being folded over in the set back area of L_1 .

[0053] The top portion 460 of the object holder 420 has a width L_3 much smaller than the width L_2 of the third self 420. The thinner top portion 460 then can fold within the set back area of L_1 and fit in gap between the top sides 444a and 446a of the left and right side walls 444 and 446. Then the top portion 460 is folded around the first, second, and third shelves 442, 454, and 472 within the set back width L_1 .

[0054] A handle 488 is connected on the left side wall 444, and another handle 488 is connected on the right side wall 446 so that when closed, the bag 420 can be easily transported as seen in Fig. 6. A zipper 480 for example can be located adjacent to the outer edges 444b and along the top portion 444a of the side wall 444. A second zipper 482 for example can be located adjacent to the outer edges 446b and along the top portion 446a of the side wall 446. The two zippers 480 and 482 run the length of the bag 410 to allow the unfolding and hanging of the bag 410 on a hook 414 for example. The two zippers 480 and 482 can also be a single zipper having two sliding parts on each side of the bag closing and opening the interlocking tabs disposed along the length of the bag.

[0055] The two zippers 480 and 482 have the sliding parts 480a and 482a, respectively, connected together by a locking bar 490. When the bag 410 is closed, the locking bar 490 is inside for instance between the doors 510 and the body 520 of a gymnasium locker 500. The locking bar 490 is wider L_4 than the width L_5 of the gymnasium locker 500. The locking bar 490 can also be an object of another shape such that the dimensions of the object exceed the opening dimensions between the door and the locker once the locker is closed. For example, when the object is spherical, the diameter exceeds the opening distance "d" between the door 510 and the body 520 of the locker 500, so that the object cannot be removed from the closed locker. Once, the gymnasium locker 500 is secured by for instance a lock 530, the bag 410 is held in place by the locked door 510. A thief will not be able to pick up the bag 410 without having to rip open the bag 410. When the bag 410 is in the closed position as shown in Fig. 6, the bag itself may be secured, such that when the bag 410 has the locking bar 490 within the gymnasium locker 500, the bag 410 cannot be opened. This allows

a user to have open access to bag 410 even when the locker 500 is closed without having to worry about if someone will steal the bag. The locking bar 490 also allows a user to not have to shove the bag within the locker 500. The bag 410 with the locking bar 490 can be opened and locked without having to move the bag. Furthermore, if the bag 410 is larger than the locker 500, it can still be securely used by being placed outside of the locker 500. Further, since the bag 410 can be placed outside of the locker 500, then more room is allowed within the locker 500 to store other objects. The bag 410 can be secured quickly to the locker 500 without having to add an extra securing mechanism. When the locker 500 is opened, a user can take the bag 410 with them.

[0056] The locking bar 490 can be made adjustable to accommodate different sizes of lockers 500.

[0057] The bag 410, which can be used for gymnasium activities for example, may have a plastic liner included to store wet clothing or a bathing suit. The bag 410 can have the zipper 492 along the edges of the walls open up with the side walls being on the bottom portion as seen in Fig. 12 or as seen in Fig. 13, the zipper 495 opens the bag having the side walls 494 being on the top portion where the top portion can be hooked to an door or shelf. As seen in Fig. 14, a loop 498 at the top of the bag allows hangers of clothes to be attached.

[0058] The object holder 420 as seen in Fig. 5, can also be enclosed as seen in the bag backpack of 610 as seen in Fig. 7. The bag backpack 610 has an object holder as seen in Fig. 7 such as the object holder 420 or the object holder 10. The object holder 620 has a pair of handles ~~shoulder straps~~ along the length of one side on the back wall 640 of the object holder 620. The handles ~~shoulder straps~~ 688 allow a user to carry the bag backpack 610 around both shoulders on their back like a

backpack. A zipper 680 or other connector type closes the bag backpack 610. Additional pockets 630 may be added to the outside of the bag backpack 610 to allow additional storage and quicker access when the bag backpack 610 is closed.

[0059] A backpack 710, as seen in Fig. 8 has a hook 712 that is shaped to hang on top of a door or other object. The hook 712 is attached to a strap 713 that can accommodate the bag backpack to rest on the floor, thereby reducing the weight on the hanging structure. A clasp 714 are attached on the pockets 770 to help secure items inside. The clasp 714 can be substituted with velcro or other similar means. Elastic is sewn into the strap 716 to keep the strap 716 at the top of each compartment straight and assist in securing the items in the compartments. Smaller items are stored in the middle compartments 718 and are structured to allow the top to fold down smoothly. Side handles 720 are sewn into the side walls 724 to accommodate additional carrying options. A mesh wall 722 is used to hold any smaller items in the bottom and the wall 722 assists in holding the sides together.

[0060] In another embodiment, as seen in Fig. 9, the bag 810 has a hook 812 for hanging on top of a door or other stationary structure. The hook 812 is attached to a strap 813 that allows the bag to rest on the floor, thereby reducing the weight on the hanging structure. A clasp 814 are attached on the compartments 870 to help secure items inside. The clasp 814 can be substituted with velcro or other similar means. Elastic is sewn into the strap 816 to keep the strap 816 at the top of each compartment straight and assist in securing the items in the compartments. Smaller items are stored in the middle compartments 818 and are structured to allow the top to fold down smoothly. Handles

828 are connected to the top and bottom portions of the bag to accommodate the carrying of the bag 810. An adjustable strap 830 can hold additional items or hold in place items such as clothes. Referring to Fig. 16, the bag 810 has a webbing attached to the outside of the bag 810 to allow securing of the hook 812 and holding the bag closed.

[0061] As seen in Fig. 10, the backpack 710 is in a closed position. The backpack 710 has a top mesh pocket 732 and a bottom mesh pocket 730. Each of the pockets has only a portion that is made of mesh material and the remaining portion of the pockets being of solid material that is not see-through. Solid material that is not see-through is a material that one cannot see through with an unaided eye. The mesh materials 730 and 732 accommodate a ventilation of the pockets. The bottom pocket with the mesh material 730 can have door zippers 740. I-rings are attached to the front portion of the closed backpack to allow for attachments such as bungee cord to attach additional items such as camping equipment or snowboards. An adjustable strap 734 is transversely disposed near the middle section of the front portion of the closed backpack 710. The adjustable strap 734 can secure bulky items such as butt-pads for ice hockey. The butt-pads for instance can hook to the outside with the adjustable clasp 736. The adjustable strap 734 allows for the size of the backpack 710 to be not excessively large since the adjustable strap can take care of extremely bulky equipment. Since, the backpack 710 can be carried on the back of a user, an excessively large bag backpack may not be desirable. A handle 728 is attached to the top portion of the backpack 720 allowing further flexibility for a user to carry the backpack 710. The backpack 710 can be closed from an open position as seen in Fig. 8 to the closed position as seen in Fig. 10 with a zipper 738 or

other fastening means. The side walls 724 can be of a solid material that may or may not accommodate ventilation or the side walls can be of a mesh material 725 as seen in Fig. 17 that accommodates a ventilation of the inside of the bag backpack 710 through the side walls. The mesh material 725 being on the side walls (on both sides of the bag backpack) is important because all the inner compartments 770 can be ventilated properly. If both side walls are made of a material that allows ventilation like the mesh material 725, then a cross vent is created to increase the ventilation of the inner compartments (pockets) 770. Furthermore, because the material mesh 725 material is on the side walls, it is not so prone to being worn out as if it was on the front or back side of the bag backpack. The side walls 724 extend from each side of the bottom portion 782 of the back wall 780 of the backpack 710 where the bottom portion 782 of the back wall 780 of the backpack 710 has a greater width than the top portion 784 of the back wall 780 of the backpack 710. The side walls 724 form angles with the extended portion 786 of the bottom back wall 782 of the backpack 710 accommodating a backpack that closes all sides which then stop any loose items that get out of the compartments 770 from being released from the bag backpack 710.

[0062] Looking at Fig. 11, the backpack 710 (and also on bag backpack 810) can have also a strap 752 secured to the top of the bag backpack 710 that allows for clothes hangers to hang for jerseys or street clothes. A 1 inch webbing 756 under 1 ½ inch webbing is added before stitching. A 1 inch webbing is placed under top clasp before stitching. There must be enough slack allowed for attachment of hangers holding jersey or other clothes. The total webbing length being added appears to be about 6 inches. The 6 inches allows for one inch to be under the top webbing for securement

and one inch to be under other clasp strap 758 with four inches exposed allowing for enough slack to hang hangers for jerseys and clothes. A clasp 754 is attached to the clasp strap 752 for hanging the jerseys or street clothes, etc.

[0063] Wheels can also be added to any of the above embodiments allowing a user to cart the bag backpack. The backpacks 210, 610, and 710 may especially have wheels on a bottom portion allowing for a user to cart the backpacks 210, 610, and 710. Referring to Fig. 15, the backpack 910 is the same as backpack 710 except that backpack 910 includes a pair of wheels 920 that allows for the backpack 910 to be transported on the ground by rolling the backpack along the ground or other surface by pulling from the handle 940. The backpack 910 further includes a pair of straps 930 accommodating a user to carry the backpack 910 on his or her back.

[0064] Referring to Fig. 19, straps 790 can be used to secure longer items 792 to sides of the bag backpack 710. The straps 790 may include fasteners such as velcro, clasps and other means of attachment. The straps 790 can be elastic allowing a user to slide items in the openings. Mesh pockets can also be used for holding the longer items 792 in place.

[0065] As seen above, the present invention provides for a bag backpack and organizer that is equipped with a method of air circulation to effectively air dry articles without complex and expensive structures as well as being an organization and space saving tool. The bag backpack provides for a quick inventory and access of the objects organized within the bag backpack. The bag also provides for an easy mechanism of locking the bag to a stationary object.

[0066] While the invention has been particularly shown and described with reference to the

preferred embodiments thereof, it will be understood by those skilled in the art that the foregoing and other changes in form and details may be made therein without departing from the spirit and scope of the invention.

IN THE ABSTRACT

Please enter the amendments to the Abstract, as follows:

ABSTRACT OF THE DISCLOSURE

A bag backpack includes a back wall having a hook accommodating the hanging of the bag backpack when opened, a plurality of compartments on a front surface of the back wall, the plurality of compartments having a front portion being of a mesh material accommodating a view of the objects and a circulation of air within the compartments. The compartments can have shelves projecting from the back wall to accommodate the objects. The wall can be folded or rolled to close the back wall into the bag backpack for carrying by the handles ~~shoulder straps~~ through hands or on a back of a user. A locking bar on a zipper enclosing the bag can be used to secure the bag to a locker.